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VOL. VIII.]

LAKE CHARLES, PARISH OF CALCASIEU, LA., THURSDAY, JUNE 1, 1876.

[NO. 13

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Feb. 15, 1868.—1y.

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mar13 3m

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Oct19 1y

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Attorneys-at-Law,

OPELOUSAS, LOUISIANA.

THOMAS H. LEWIS, of the above firm, will regularly attend the Sessions of the District Court of Calcasieu parish.
7

FERREOL FERRODIN,

Attorney-at-Law,

Practices in the Parishes of St. Landry and Calcasieu.
Office—At OPELOUSAS, LA. 7

S. D. READ,

ATTORNEY-AT-LAW,

Leesburg, Cameron Parish, LOUISIANA.

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je13 1y

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[April 13th, 1872.

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jan9

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Moncure Vs. Dubuclet.

The recent decision of the Supreme Court of Louisiana in the case of the State ex rel. Jno. C. Moncure, appellant, vs. Antoine Dubuclet, if not in accordance with the law, is in keeping with the reputation of the court. The fact is, and the pleadings admit, that Moncure was elected Treasurer of the State by a majority of 3876 votes. The Returning Board, however, fraudulently threw out portions of the election returns and declared Dubuclet elected. Moncure brought suit in the Superior District Court to obtain the office; that partisan tribunal decided against him, and he appealed to the Supreme Court which has sustained the partisan decision of the lower court. The merits of the case were never touched by either court, both deciding that the action of the Returning Board was final, and its determinations not subject to review. This extraordinary decision was rendered by Justice Taliaferro, and concurred in by Chief Justice Ludeling and Justice Howell. Justice Taliaferro is a very malignant, and narrow-minded old man, who seems to think that he is a public inquisitor, and that it is his duty to persecute all the people of the State outside of the radical party. Justice Howell went into the radical party as a sort of speculation. He is a man of mean abilities, and, we believe, before he went upon the bench, was regarded as hardly an average pettifogger. Chief Justice Ludeling's character is well known to the country; a man of considerable capacity, he is at the same time one of the most audaciously corrupt men in the State. He has no respect for his high office and uses it simply as a means to promote the corrupt schemes of himself and his party.

That such a trio should have rendered a decision, in an important case involving the public interest, contrary to the constitution and the principles of law laid down by themselves in a former decision, is not singular. It was necessary to their party that Dubuclet should hold the office of Treasurer, though he was defeated at the election, and they did not hesitate to prostitute their authority to maintain him there. It does seem wonderful, however, that such a set of men should constitute the highest tribunal of law in a free and enlightened State. The scandalous character of this decision is very clearly shown in the able and exhaustive dissenting opinion of Justice Wyly, which we printed in full yesterday evening. Justice Wyly shows very clearly that the decision of the court, that the action of the Returning Board is not subject to review, is unsound, for the act creating the board itself declares that its promulgations, etc., "shall be *prima facie* evidence in all courts of justice and before all civil officers until set aside after a contest according to law of the right of any person named therein to hold and exercise the office to which he shall by such return be declared elected. The opinion of Justice Wyly, however, is so clear, brief and concise, that it is needless for us to recapitulate its points. Our readers can peruse the paper itself, and every citizen of Louisiana should do so.

The legal propositions of this dissenting opinion are in themselves sufficient to utterly overwhelm the decision of the court. But the opinion derives additional force from the fact that it is the opinion of that member of the court who has shown for a long time past a sincere desire to interpret the law honestly, and to protect the interests and liberties of the people. Justice Morgan, who concurred in the dissenting opinion, is also a man of far higher character than either of the three

judges who constituted the majority of the court in this instance.

When we contemplate this decision of the court, which boldly overrides its previous decision in the case of the Crescent City Gaslight Company vs. New Orleans Gaslight Company, the expressed provisions of the constitution, the unequivocal language of the statute and best established principles of jurisprudence, accustomed as we are to the corruption, lawlessness and audacity of radical officials in this State, from constables to Governor, we are astounded and alarmed. So long as the judiciary remains pure and fearless, the people have a refuge from the exactions of corrupt and tyrannical government. So long as the judiciary remains pure and firm, the turbulent and violent elements of the community may be restrained and society preserved with tolerable order. But when corrupted, pervading every department of the State, finally invades also the sacred tribunals of justice, and the ermine becomes but the cloak of an authorized huckster of law or the hireling of parties, factions and rings, every public and private interest is threatened, and it becomes the duty of all good men to combine in a common effort to overthrow the rotten and disgraceful regime.

The decision of the Supreme Court now under review indicates that in Louisiana just such a state of things exists. Robbery, murder and arson for some time past has flourished in our midst, and the nerveless arm of the government has not dared to check them; thieves have rioted in all the public departments; justice in the courts has become a byword and a reproach, and now the highest tribunal in the State, with unblushing effrontery, in defiance of the constitution and the law, declares that the action of a Returning Board, composed of a squad of partisan rascals, appointed by a partisan governor to defeat the will of the people at the ballot-box, is final and not subject to review by the courts; in short, that the Returning Board is of higher authority than the will of the people, and that it is the board and not the people who have the authority to determine the elections. Were this proposition true our system of government would be simply an outrageous despotism, and the effort to engraft so repulsive a monstrosity upon our free institutions is worthy of a court over which presides the railroad grabber and bond swindler of North Carolina.—[N. O. Democrat, May 20.]

Capt. Eads and Major Howells of the United States engineers, are exchanging some very pleasant complaints about the jetties. Howells has been opposed to Capt. Eads' system from the start, and has been diligently reporting that a new bar was forming at the end of the jetty wall, and that the channel of the South pass was generally shoaling. The Major is running the Government dredge-boat at the Southwest pass, and claims that he is doing better work than Capt. Eads. Eads says it is a "malicious lie," and gave his soundings to prove that no bar is forming at his pass, and that the jetty system is a success. Capt. Eads has gone so far now that it would be better for Major Howells to keep on his side of the fence. If the captain fails it will be his funeral, and the stake is so great that he will very probably see to it that there will be no failure. His reported soundings show an increased depth of water in the South pass channel.—[Courier-Journal.]

If you see a man with a big diamond on his shirt-front, have him arrested. It may not be Tweed, but it will serve him right anyway. [Alta California.]